IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 23 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE H.H.MEHTA

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

DANUBHA PATHUBHA

Versus

GANESHBHAI KESHAVJIBHAI

Appearance:

MR SURESH M SHAH for Appellants No. 1-3

MR RV DAGLI for M/S THAKKAR ASSOC. for Respondents No. 1-4

NOTICE SERVED for Respondent No. 5

CORAM : MR.JUSTICE H.H.MEHTA

Date of decision: 16/01/2002

ORAL JUDGEMENT

1. Heard Mr.S.M.Shah, learned advocate for the appellants and Mr.R.V.Dagli, learned advocate for and on behalf of M/s.Thakkar Associates for respondent Nos.1 to 4. The respondent No.5 is absent though duly served.

2. As a result of arguments in detail and discussion with the learned advocates for both the parties and looking to the facts and circumstances of the case, it is desirable that this appeal should disposed of by giving suitable directions to the trial Court and accordingly, the following directions are given :-

[i] The learned Judge of the trial Court is directed to decide and dispose of Special Civil Suit No.12 of 1998, which is pending on the file of learned Civil Judge (S.D.), Morbi, as expeditiously as possible preferably on or before 30th June, 2003.

[ii] Meanwhile, the order dated 11th June, 2001 passed by this Court (Coram : M.H.Kadri,J.) in Civil Application No.663 of 2001, shall remain operative and effective till the final disposal of the suit. Copy of the said order dated 11th June, 2001 passed in Civil Application No.663 of 2001 be sent with writ of this order to the trial Court.

3. In view of the directions given hereinabove, this appeal shall stand disposed of. No order as to costs.

(H.H.Mehta,J.)

vijay